

REMARKS

ON THE

Reprinted Tryal

OF

Henry Cornish, Esq;

FOR

Conspiring the Death of King
CHARLES the II. &c.On Pretence of setting the Fact in a
true Light.

WHEREIN

The real Causes of that Gentleman's
being put to Death, are made evident from
Tryals publish'd by Authority.

IN

ANSWER

TO THE

Slanders cast upon the Memory of the
said Mr. CORNISH, and those who join'd
him, in Defence of the Rights of the Citizens
of *London*, and of the *English* Constitution.Söld by B. BRAGGE, in *Pater-Noster-Row*. (Price 6 s.)

[1707]

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REMARKS on the reprinted Tryal of Alderman Cornish, &c.

THE Publishers of the Act of Parliament, in the first Year of the late King *William* and Queen *Mary*, for reversing the Attainder of *Henry Cornish*, Esq; late Alderman of the City of *London*, seem'd to suspect (and not without Reason) That the reprinting of his Tryal, was with no Design to favour the Memory of that worthy Martyr for *English* Liberties; but rather to fasten the Charge of Treason, for which he was cut off, upon himself, and the Party who join'd with him, in Defence of our Constitution; and by Consequence, to fix the same Slander upon those, who were the happy Instruments of delivering us from the Tyranny of the late King *James*; in whose Reign, the Alderman fell.

Whatever there be in that, 'tis certain, that those who were for reprinting his Tryal upon that View, have come short of their Aim: For the Tryal (as they have publish'd it) does fully justify the Truth of the Facts, upon which

the Parliament in 1688. proceeded to reverse the Attainder above-mention'd, *viz.*

‘ That the Alderman being indicted of high
 ‘ Treason, upon Pretence, That knowing *James*,
 ‘ late Duke of *Monmouth*, *William Russel*, Esq;
 ‘ and Sir *Thomas Armstrong*, to be Traytors,
 ‘ and to have conspir’d the Death of the late
 ‘ King *Charles* the II. he promis’d to be assist-
 ‘ ing to them in such Treasons, to bring them
 ‘ to Effect. And being thereupon arraign’d at
 ‘ the Sessions-House in the *Old-Baily*, the 19th
 ‘ Day of *October* 1685. Altho’ he was commit-
 ‘ ed for the said pretended Treason, but the
 ‘ 13th of the same *October*, and had Notice of
 ‘ his Tryal the 17th of the said *October*, and
 ‘ was kept close Prisoner from the Time of his
 ‘ Commitment, to the Time of his Tryal, and
 ‘ could not possibly, therefore, prepare himself
 ‘ for his Defence; neither would the Court
 ‘ which try’d him, give him any longer Time
 ‘ to prepare himself for his Tryal, altho’ he
 ‘ press’d for a longer Time, having a material
 ‘ Witness to send for, who was not then in
 ‘ Town, and was above 140 Miles off. (a)
 ‘ And having pleaded not guilty to the Indict-
 ‘ ment, he was presently try’d and convicted
 ‘ on the single Evidence of Colonel *Rumsey*,
 ‘ who swore the Prisoner was in the Room at

(a) The Truth of all this, appears by the reprinted Tryal
 Page 1, 2, 3, 4, 7, 8, 9, 10, 11.

one Mr. *Sheppard's* House, in Company of the Duke of *Monmouth*, the Lord *Russel*, the Lord *Grey*, Sir *Thomas Armstrong*, Mr. *Ferguson*, Mr. *Sheppard*, and the Witness, when a Paper was read; the Contents whereof, were a Complaint of the Misgovernment of King *Charles* the II. and declaring for Liberty of Conscience; and that all those who would assist in that Insurrection, that had Lands of the Church, or of the King's in the late Wars, should have them restor'd; to which Paper, as the Witness swore, the Prisoner express'd his Liking. (b) Whereas the said *Rumsey*, own'd, when he gave his Evidence, that he did not hear all the Paper read, nor did take great Notice of it, and therefore was not a competent Witness of the Contents of the Paper. (c) And whereas the said Colonel *Rumsey*, had, in the Lord *Russel's* Tryal, expressly sworn, That he was not in the Room when the said pretended Paper was read. (d) And whereas Colonel *Rumsey*, in the same Lord *Russel's* Tryal, expressly mentions the Names of all the Persons in the said Room, in the

(b) For the Truth of this, see the Tryal, Page 14, 15, 16, 17, 18, 19, 20.

(c) For the Truth of this, see the Tryal, Page 14, near the End; and the Tryals of *Waloot*, &c. Page 39.

(d) See the Tryal, Page 36.

' said Mr. *Sheppard's* House, whereof the said
 ' *Henry Cornish* was none. (e) And whereas
 ' Mr. *Sheppard*, whom *Rumsey*, in his Evidence,
 ' own'd to be in the Room, when the said pre-
 ' tended Paper was read, expressly testify'd,
 ' That the said *Henry Cornish* was not in the
 ' Room at the reading the said pretended Pa-
 ' per. (f) For all which Reasons, at the hum-
 ' ble Petition and Request of *Elizabeth Cornish*,
 ' Widow and Relict, and *Henry Cornish*, eldest
 ' Son of the said *Henry Cornish*; be it enacted,
 ' by the King and Queen's most Excellent Ma-
 ' jesties, &c. ——— That the Conviction
 ' and Attainder of the said *Henry Cornish*, de-
 ' ceas'd, for high Treason, be hereby revers'd,
 ' annull'd, and made void, to all Intents and
 ' Purposes whatsoever.

Since the restless Abettors of arbitrary Pow-
 er go on in their usual Method, to slander the
 Memory of that worthy Alderman, and those
 who join'd with him in Defence of *English* Li-
 berties; it is thought fit to subjoin these far-
 ther Remarks, for setting that Matter still in
 a clearer Light.

From the Time of the Discovery of the Po-
 pish Plot, the then Courts, and such as were
 joyn'd with them in the Conspiracy against our

(e) For the Truth of this, see the Tryals of *Walcott*, *Hone*,
Lord Russel, *Rous*, and *Blagg*. Printed for *Royston*, *Took*, and
Mearn, 1683. Page 38, 39.

(f) See the Tryal, Page 53.

Constitution, employ'd themselves to shift off the Plot from the Papists upon the Protestants. At which the honourable City of *London* took the Alarm in a very particular Manner ; and knowing well, that the Security of our Lives, Liberties, and Estates against arbitrary Attempts, lay in Tryals by Juries, the Citizens bethought themselves how to secure such Juries, as were substantial and honest ; and knowing that this could not be done, except they had honest Sheriffs, they elected Mr. *Bethel* and Mr. *Cornish* to serve in that Office, in 1680. And next Year, they chose Mr. *Pilkington* and Mr. *Shute* into the same Office. By this Means, the Design of the Court to murder Protestants, under Colour of Law, was defeated, until the ancient Right of the Citizens to elect their Sheriffs was ravish'd from them, in 1682.

The honest Endeavours of the Sheriffs, *Bethel* and *Cornish*, to have *Fitz-Harris's* Sham-Plot truly search'd into, did also contribute to bring the Indignation of the Court upon them ; which was much heighten'd afterwards, by their opposing a *Quo Warranto*, brought by the Courtiers against the City-Charter.

Those worthy Gentlemen giving new Proofs of their Zeal for our Constitution, by voting for the Election of Sheriffs in 1682, the Court call'd it a Riot ; for which, those two Gentlemen, and others, were brought to Tryal, and

convicted by a pack'd Jury, whereof some of the true Rioters were Members; and upon this Conviction, Mr. *Bethel* and Mr. *Cornish* were extravagantly fin'd. Mr. *Bethel*, after two Years Imprisonment, pay'd his Fine, and left the Kingdom; but Mr. *Cornish*, trusting to his own Innocence, tho' he was forewarn'd of the Design against him, did not make Use of the like Precaution; and was thereupon seiz'd, and brought to his Tryal for High Treason, and condemn'd, as above-mention'd.

To make the Matters of Fact, as to the Indignation of the then Court against Mr. *Cornish* evident, we shall take the Things, as they happen'd in Order of Time. And,

I. That they were incens'd against Mr. *Cornish*, because he had search'd into *Fitz-Harris's* Sham-Plot. We refer to *Fitz-Harris's* Tryal, in 1681. where it appears, that Mr. *Cornish* deliver'd upon Oath in Court, ' That King ' *Charles* the II. told him, the said *Cornish*, ' when he inform'd his Majesty, that he had ' been with *Fitz-Harris*, in *Newgate*, and ' found him inclinable to a Discovery. His ' Majesty told him, the said *Cornish*, that his ' Majesty had often examin'd *Fitz-Harris*, ' and could make nothing of what he said: But ' because of the said *Fitz-Harris's* great Pro- ' testations of Zeal for his Majesty's Service, ' his Majesty did countenance the said *Fitz-* ' *Harris*, and give him some Money. Upon ' which

which Mr. *Attorney* seeming to be surpriz'd, ask'd Mr. Sheriff *Cornish*, if ever the King declar'd to him, the said *Cornish*, that he had seen Mr. *Fitz-Harris*, or that he was ever in his Presence? To which Mr. *Cornish* reply'd in the Affirmative, and told Mr. *Attorney*, his Majesty acquainted him, the said *Cornish*, that the said Mr. *Fitz-Harris* had come to his Majesty three Months before, and pretended he would discover a great Plot to him.

2. That Mr. *Cornish*'s Zeal, in appearing for the Right of the Citizens to elect their Sheriffs, incens'd the Court against him, is evident, from the Tryal betwixt Sir *William Pritchard*, Alderman of *London*, and *Thomas Papillon*, Esq; at *Guild-hall*, upon the 6th of *November 1684*. Wherein it appears, that Mr. *Crisp*, the Common Serjeant, aiming at Alderman *Cornish*, interrogated Mr. *Brome*, who were present at the Meeting, when the arresting the Mayor was agreed upon? And Mr. *Brome* having nam'd two or three, the Common Serjeant farther press'd him to name others; and then the Chief Justice explain'd the Common Serjeant's Meaning, by demanding whether Mr. *Cornish* was there? (g). Alderman *Cornish*, and Mr. *Serjeant* testify'd, that Mr. *Papillon* and Mr. *Du-Bois* being at the Alderman's House,

(g) See Tryal betwixt *Pritchard* and *Papillon*, p. 15.

their

their Attorney came to them, and told them that he had address'd himself, from Time to Time to my Lord Mayor, to get him to give an Appearance; but he would not. And that thereupon they told him, it was fit the Matter should be brought to an Issue; and order'd him to get an Appearance, if he could; and to remember, that the Lord Mayor was the chief Magistrate of the City, and that he should carry it with all imaginable Respect and Regard to him. (*b*)

Upon this, the Chief Justice, and Attorney-General, made extravagant Excursions upon Alderman *Cornish*, with abundance of impertinent Questions. At the same Time, *Jefferys* told him, that he had as much Cause as any Man to remember the Manner of his own being *chosen Sherif*, for several Reasons that he knew: Which was a plain Indication of the early Designs the Court had against Mr. *Cornish*; since *Jefferys* added, *That he only ask'd Things by the By, to satisfy the World what Sort of Men these are, that pretend to Saintship.* And said, with his usual blustering Impudence, 'Do you think the Government will ever suffer it self to be snivell'd at, and overthrown by a Company of such whining Fellows? ——— Do you think to sham People into Offices? No, I tell you, Villainy

(*b*) Ibid. p. 15, 16.

was the Foundation of it, and Knavery the Superstructure — Neither *Bethel*, nor that very Fellow that stands there, *Cornish*, would have taken the Oath and Sacrament, 'till they found it would contribute to the Design of subverting the Government ; then these Rascals would qualify themselves for an Office, only to put the Kingdom into a Flame. (i)

It is proper to observe here, that at the said Tryal Mr. *Gilbert Nelson* declar'd, that upon View the Majority was for Mr. *Papillon* and Mr. *Du Bois* ; and that upon casting up the Poll-Books, Mr. *Papillon* had the greatest Number. And Mr. *Wightman* testify'd, that upon casting up the Poll-Books, there were 2400 and odd for Mr. *Papillon* and Mr. *Du Bois*. — Mr. *Leonard*, afterwards Sir *Leonard Robinson*, did also declare, that upon the View, the Majority was much greater for Mr. *Papillon* and *Du Bois*, than for the other ; and the Sheriffs declar'd it accordingly. And a Poll being demanded, and granted, after it was clos'd in the Evening, the Sheriffs declar'd upon the *Hustings*, that Mr. *Papillon* and Mr. *Du Bois* had above 2000, and Mr. *North* and Mr. *Box* were some Hundreds under. (k)

Mr. *Baker* did also testify, that the Action against the then Lord Mayor, was brought by

(i) Ib. Page 17, 18.

(k) Ib. Page 19. 20.

the Advice of Mr. *Wallop*, Mr. *Pollexfen*, and
Mr. *Thomson*.

But notwithstanding all this, when the
Lord Chief Justice *Jefferys* came to sum up
the Evidence, he discharg'd his Spleen in a vi-
olent Manner against Mr. *Papillon* and Mr. *Du*
Bois; and particularly against Mr. *Cornish*
thus: ' Alack-a-day! (as Mr. *Pilkington* said)
' am for the Preservation of the Liberties and
' Properties of the Subject; but I find the City
' is strangely run down in their Rights and Pri-
' vileges. I will rather take a troublesom Of-
' fice, than let all run thus; and immediately
' sets himself a Cock-a-hoop, as if there were
' none to take Care of the City but himself. —
' He, and Mr. *Bethel*, Forsooth, are the only
' Men of the Time: The Men, Men for the Li-
' berty of the Subject, and the Rights of the City. (1)

But how little Justice this Slanderer had on
his Side, and how much the Liberty of the City
were invaded, will appear by the following
Account of the Poll, when Sir *William Pritchard*
came to be Lord Mayor.

Sir *Thomas Gold* had 2257 Votes.

Alderman *Cornish*, — 2227

Sir *William Pritchard* 2144.

Sir *Henry Tulse* — 236.

It appears farther, that Mr. *Cornish*'s having
been Sheriff himself, and standing up for the

(1) See *Papillon's Tryal*, Page 31.

Rights of the City, in electing those that follow'd him in that Office, was at the Bottom of all the Rage and Malice of the Court, and their Tools against him, by Mr. Justice *Withens's* upbraiding him in Passion with it at his Tryal, thus: *And I tell you, Mr. Cornish, that* (meaning his being concern'd in prosecuting Sir William Pritchard) *was a Branch of the Plot. (m) Take that from me.*

The Lord Chief Justice *Jefferys* was so weak, as to discover the true Cause of the Rage of the Court against Mr. *Cornish*, was his having been Sheriff, and returning honest Juries, that would not murder our best Patriots, under Colour of Law. For at Mr. *Papillon's* Tryal, he bluster'd out thus. 'Men that are taken Notice of to be common Reproaches to the Government under which they live, shall get into Office, to make *Ignoramus* Juries, &c. — and that he would have Mr. *Cornish* to consider, whether ever, 'till that Time of famous, or rather infamous Memory, that he and his Fellow-Sheriff, Mr. *Bethel*, came into that Office, there were ever in *London*, such Things as Tavern>Returns of Juries, or Clans and Cabals how to pack Fellows together for such wicked Purposes as these. (n)

Nor ought it to pass unobserv'd, That Occasional Conformity was a mighty Grievance

(m) See Mr. *Cornish's* Tryal, Page 24.

(n) *Papillon's* Tryal, Page 28, 29.

in the Eyes of *Jefferys*, and all the rest of the bloody Faction, and Court-Tools in those Days, as well as it is now, in the Eyes of our present High-flyers, who would have no Men of moderate Principles, in Places of Power and Trust, to stand in the Way of their tyrannical and arbitrary Designs. Thus *Jefferys* rail'd at Mr. *Cornish*, Mr. *Papillon*, &c. in his *Billingsgate* Dialect, and told them, 'They were Fellows obnoxious to the Government, known Dissenters from the establish'd Worship, and that never thought of conforming to the Government, or the Laws Civil or Ecclesiastical, or complying with the Church, but only to capacitate them to destroy it. (o)

And that this Malice against him, on the Account of his Occasional Conformity, pursu'd him to the very Death, is evident from his Tryal. Nor could his constant Communion afterwards, tho' attested by his Parish Minister, Dr. *Calamy*, atone for his having been formerly a Dissenter, and Occasional Communicant; for which the Lord Chief Justice *Jones*, and Mr. Justice *Withins* reflected on him, in a very uncharitable Manner. (p) By all which 'tis evident, That those high-flying Gentlemen are of the same Spirit with the *French* Persecutors, who can never be reconcil'd to the New Converts, nor entertain a good Opinion of 'em.

(o) *Papillon's* Tryal, ib.

(p) Reprinted Tryal, Page 40, and 46.

The next Thing we shall take Notice of, is, the Inconsistency betwixt what Colonel Rumsey swore at the Tryal of the Lord *Russel*, with what he swore at the Tryal of Mr. *Cornish*. In the Tryal of the former, when Mr. Attorney ask'd him, if there was any Discourse while he was at Mr. *Sheppard's* about a Declaration? The Colonel answer'd, *I am not certain whether I did hear something about a Declaration there, or that Mr. Ferguson did report it to my Lord Shaftsbury, that they had debated it.* And that this was not a Slip of Colonel Rumsey's Memory, but his positive Oath, is evident, from my Lord Chief Justice's Saying upon it, *We must do the Prisoner that Right, he says, He cannot tell whether he had it from him or Mr. Ferguson.* (q)

Yet, at Mr. *Cornish's* Tryal, Colonel Rumsey swore positively, That when Alderman *Cornish* came to Mr. *Sheppards*, Mr. *Ferguson* read the Declaration to the said Mr. *Cornish*, that Mr. *Sheppard* held the Candle while *Ferguson* read it; and that when he had done reading, Mr. *Cornish* was ask'd, how he lik'd the said Declaration? And answer'd, *He lik'd it very well.* Nay, Rumsey was so positive in it then, that tho' he had sworn at my Lord *Russel's* Tryal, he was not certain, whether he had heard any Discourse about it; yet now he pretends to give the Contents of it, tho' immediately after,

(q) See Tryal of *Walcott*, &c. Page 39.

he says, *he did not hear all the Paper, nor take any great Notice of it.* (r)

It is also observable, That the Court was very unwilling to admit Mr. *Sheppard*, as an Evidence for Alderman *Cornish*, to confront *Rumsey*; and that when Mr. *Sheppard* came into Court, he swore positively, That there was no Paper read to Alderman *Cornish*, and gives his Reason for it, thus; *For he was not look'd upon to be one of the Company.* (s)

Colonel *Rumsey's* forswearing himself as to the Declaration, is yet more evident, by swearing positively at the Lord *Russel's* Tryal, That the Declaration was read before he came into the Room. For when Mr. *Sheppard*, upon being ask'd who were present at reading the Declaration? Answer'd, *That it was shewn to the Duke of Monmouth, Sir Thomas Armstrong, &c. and that he thought Colonel Rumsey was also present.* Colonel *Rumsey* reply'd, *No, I was not; it was done before I came.* (t)

Tho' this was so plain a Proof of the Colonel's Perjury, yet the Court would not allow the Tryal, tho' printed by Authority, to be produc'd in Court, as a Proof of it.

(r) See reprinted Tryal, Page 14.

(s) See reprinted Tryal, Page 53.

(t) See Tryal of *Walcott*, Lord *Russel*, &c. Page 41.

Another Proof of *Rumsey's* Perjury, is his swearing positively at *Mr. Cornish's* Tryal, That *Mr. Cornish* did say, He did like the Declaration; and with the small Interest he had, would appear to back it, or Words to that purpose. [*Reprinted Tryal, p. 15.*]

His Perjury is further evident, by *Mr. Shepherd's* Deposition at the *Lord Russel's* Tryal, That the Declaration was a pretty large Paper, setting forth the Grievances of the Nation; and at *Mr. Cornish's* Tryal, That the said *Mr. Cornish* came to the House to speak a few words to the D. of *Monmouth*, or some other, and did not stay half a quarter of an Hour in the House; that he, the said *Shepherd*, came up stairs with *Mr. Cornish*, and went out with him; and there was not one word read, and no Paper seen while *Mr. Cornish* was there; and *Mr. Shepherd* cannot be suppos'd to have been guilty of a slip of Memory in this matter as to Alderman *Cornish*, since he came in with him, and went out with him; and is so particular as to the Circumstances of reading the Declaration, viz. That *Mr. Ferguson* when he went to read it, pull'd off his Shoe, and pull'd the Declaration out of it: Whereas *Rumsey* swore, That *Mr. Ferguson* pull'd out the Declaration out of his Bosom, and *Mr. Shepherd* held the Candle, while *Mr. Ferguson* read it to *Mr. Cornish*. [*See L. Russel's Tryal, p. 41. and Mr. Cornish's reprinted Tryal, p. 52, 53.*]

Mr. *Cornish* did also object against *Rumsey's* Evidence; That he declar'd upon his Oath, when he swore against my *Ld. Russel*, that he had nothing else to swear against any Man, and offer'd to produce it, if the Court would give time. [*Reprinted Tryal*, p. 27, 28.] But this was not granted.

It deserves likewise to be observ'd, That *Col. Rumsey* swore at my *Lord Russel's* Tryal, That he thought he himself was not above a quarter of an Hour at Mr. *Shepherd's*, and that he is very indistinct as to the Declaration; for when Sir *George Jefferies* ask'd him, To what purpose was the Declaration? The *L. Chief Justice* answered, as was mention'd before, We must do the Prisoner that Right, he says, He cannot tell whether he had it from him, or Mr. *Ferguson*; and when Mr. *Attorney-General* ask'd Mr. *Rumsey* again, Did you hear no Discourse to what it tended? *Rumsey* gives a very impertinent Answer thus, My Lord, there was some Discourse about seeing what posture the Guards were in; which plainly shews that he was taught his Lesson better afterwards. [See *L. Russel's Tryal*, p. 39.]

The next Witness call'd against Mr. *Cornish* was Mr. *Goodenough*, and tho' Mr. *Cornish* made it evident by several Witnesses that he had very much opposed Mr. *Goodenough's* being under Sheriff when he himself and Mr. *Bethel* were Sheriffs, and that it was with great Difficulty he

he admitted him to that Post, and therefore his Evidence look'd like Malice, yet the Court would admit him as an Evidence, so intent were they upon the Blood of this worthy Patriot; this appears to a Demonstration, for Mr. *Gosfright* depon'd upon Oath that Mr. *Cornish* had so bad an Opinion of *Goodenough*, that he was resolv'd if *Goodenough* were Under-Sheriff he would fine, and not hold, and told him the Reason why; he said he was a Man that he would not trust a Hair of his Head with, and he had no Knowledge he believ'd of the Business; and withal he told him he was a Man obnoxious to the Government; he was an ill Man, and had done ill things, and he would not trust his Estate and his Reputation in the Hands of such an Under-Sheriff. See reprinted Tryal, p. 29, 30, 31.

It is further to be observ'd, concerning *Goodenough*, that in order to make him capable of being a Witness that would Swear home, he was pardon'd for one Treason, for which he had been Outlaw'd, and stood under the awe of the guilt of another.

The next thing to be observ'd is, the inveterate Malice of the Bench, against Mr. *Cornish*, towards whom they carried themselves more like Parties and Accusers, than Judges. This appears plain from the Reprinted Tryal; the then Lord Mayor check'd him for demanding what was Customary to Persons in his Circumstances

stances, and told him, he must observe the Rules of the Court. When Mr. *Cornish* pleaded that it was unreasonable to have but half a days time to prepare for his Tryal, and have no Council allow'd him, the Recorder told him, he ought not without the leave of the Court, or his Majesty, nay, not so much as to have a Friend come to him, nor a Copy of the Pannel. When Mr. *Cornish* pleaded for time to prepare for his Tryal, and told them he understood that his Majesty had been graciously pleas'd to refer those matters as to his Tryal to the Judges, the Lord Chief Justice told him, if he would not plead, he would move the Court, to record his standing mute. *Reprinted Tryal. p. 1. 2, 3.*

Is is also evident, that the Court at *White-hall*, was resolv'd to have this worthy Gentleman's Life, and therefore, tho' he had presented a Petition to the King, for time to prepare for his Tryal, Mr. *Bridgman*, who was on the Bench, declar'd in Court, that the King had absolutely refused it. *Reprinted Tryal. p. 11.*

Thus Mr. *Cornish* was forc'd to put himself upon Tryal, without being allow'd time, Pen, Ink, or Paper, till the Saturday before, at 8 a Clock at Night, tho his Tryal came on the Monday following, nor was he allow'd a Copy of the Pannel, till he came to the Bar, when the Jury was Sworn, as follows:

<i>Thomas Rawlinson.</i>	<i>William Cloudsley.</i>
<i>Thomas Langham.</i>	<i>Richard Holford.</i>
<i>Ambrose Istead.</i>	<i>William Longboat.</i>
<i>Tho. Pendleton.</i>	<i>Stephen Coleman.</i>
<i>John Grice.</i>	<i>Robert Clavel.</i>
<i>Thomas Oneby.</i>	<i>William Long.</i>

When the Alderman came upon his Tryal, and protested his Innocence, Mr. *Attorney* reply'd with much bitterness, so was my Lord *Russel* to his Death; Mr. *Cornish*, do you remember that? *Tryal. p. 14.*

When Mr. *Cornish* declar'd he was never at Mr. *Shepherds* at any consult in his Life, the Lord Chief Justice reply'd, more like an Accuser than a Judge, pray Sir be not transported with Passion, I doubt, before this time, notwithstanding the Confidence you seem to have, there are few believe you as Innocent as any Person present. *Tryal. p. 17.*

When Mr. *Cornish* came to ask Questions of *Collonel Romsey*, the Lord Chief Justice said to Mr. *Cornish* with great bitterness, pray do not enter a long harangue, and Mr. Justice *Levins* told him you must not stand to dialogue between one another, but speak as we may hear you. *Reprinted Tryal. p. 18. 19.*

When Mr. *Cornish* came to ask Questions at Mr. *Goodenough*, the Lord Chief Justice *Jones* check'd him in Passion, and told him he ask'd

Questions, and answer'd them himself, and at the same time Mr. *Justice Withins* told him with great bitterness, that the Suit about the Rioters, concerning which Mr. *Goodenough* came to him, was a Branch of the Plot, so ready was the Bench to call all Efforts for maintaining the Liberties of the City and Nation by that Name. *Trial. p. 24.*

When Mr. *Cornish* objected against Collonel *Rumsey's* Evidence, the Lord Chief Justice checked him, and told him, that to oppose confidence and very great assurance as he was in the Presence of Almighty God, against express Testimony, was the weakest Defence that could be, which considering the manifest Perjury of the one Evidence, and the Malice of the other, was a plain Declaration that the Court was resolv'd to condemn the Alderman, tho he should appear ever so innocent. This was further evident by the Lord Chief Justice's repeating the Word Improbability three times in a Passion, when Mr. *Cornish* insisted upon the Improbability of the Evidence, considering that he the said *Cornish* had been three or four times in Prison that Year, and might easily have withdrawn out of the Nation, as others have done, had he known himself to be guilty of what was Sworn against him. *Trial. p. 27. 28.*

The Malice of the Bench was further evident, That tho' they could not but know that Colonel *Rumsey* had sworn contrary at my
Lord

Lord *Ruffel's* Trial to what he had sworn in this, and tho' Mr. Justice *Withins* did own that *Rumsey* had discover'd a great deal more, tho' he had sworn at my Lord *Ruffel's* Trial that he had nothing else to swear against any Man than what he had sworn at the said Trial, yet they would admit him as a good Evidence. *Tryal, p. 28, 29.*

The like Malice appear'd by their admitting of *Goodenough's* Evidence, and alledging as a Reason for their so doing that Mr. *Cornish* had admitted him to be Under-Sheriff, tho' he had made it plain by very good Evidence, as mention'd before, that he did not like Mr. *Goodenough*, because he was an ill Man, and obnoxious to the Government, and impos'd upon him by Mr. *Bethel's* Obstinacy.

Tryal, p. 30, 31:

This is yet more plain by Mr. *Gosfright's* Evidence, that he believ'd the Animosities betwixt Mr. *Cornish* and Mr. *Goodenough* were so great that he believ'd they were never reconciled, for *Cornish* had so bespatter'd *Goodenough*, that he was so ill a Man, that he believ'd *Goodenough* could never digest it well.

Tryal, p. 32:

The Malice of the Bench against Mr. *Cornish* in admitting *Goodenough* to be an Evidence is further manifest by this, That the Lord Chief Justice was against Mr. *Cornish's* producing any other Evidence than *Gosfright* to prove his

Aversion to him, and tho' that appeared plain enough, yet the Lord Chief Justice would needs insinuate, that after Mr. *Goodenough* was admitted Under-Sheriff there was never an angry Word betwixt them, and when Mr. *Love* did also testify Mr. *Cornish's* Aversion to Mr. *Goodenough*, the Lord Chief Justice called it Impertinency; and when Mr. *Jekil* came to testify the same thing, and that Mr. *Cornish* excepted against Mr. *Goodenough*, because he was obnoxious to the King and Government, Mr. Justice *Withkins* acted the Part rather of an Evidence than of a Judge, and called Mr. *Jekyl* a Limb of the Plot, as great a Rioter, and as hot as any of 'em; so that tho' Mr. *Cornish* added to what his Evidence had sworn against Mr. *Goodenough* that he had private Covenants with Sheriff *Bethel* before he would admit *Goodenough* to be Under-Sheriff, the Bench would take no notice of it, they were so intent upon Mr. *Cornish's* Blood, that they were resolved to condemn him upon Evidence that was plainly proved to be perjured and malicious. *Trial, p. 32, 33, 34, 35.*

When Mr. *Cornish* came to call Evidence with respect to his Life and Conversation, the Lord Chief Justice *Jones* turned Evidence and Accuser again, and told the Alderman in Passion that his Life had not been in the Dark, and insinuated as much as if no Man in London would attest Mr. *Cornish's* Loyalty, and in a word

word the Bench slighted all the Evidence that Mr. *Cornish* brought with respect to his Life and Conversation; and though it was as plain as Sunshine that Colonel *Rumsey* had forswore himself, yet the Lord Chief Justice insinuated that it was very improbable that *Rumsey* and *Goodenough* should forswear themselves, and that Mr. *Cornish* should speak the Truth. *Tryal*, p. 38, 39.

The Lord Chief Justice's Malice did further appear in this, That though he would take no notice of what Mr. *Cornish*'s Evidence had sworn as to his Loyalty, yet he greedily snatched at any thing which appeared to insinuate the contrary, though it was nothing but idle Talk, because of his being joyned in the Sherifalty with Mr. *Bethel*. *Tryal*, p. 40, 41.

When the Lord Chief Justice summed up the Evidence he did it so indistinctly, that he seems to charge Mr. *Cornish* with Mr. *Goodenough*'s part of the Pretended Plot about seizing the *Tower* and the Magazine, and tacks *Goodenough*'s own Story about that Matter and Mr. *Cornish*'s Answer in such a manner, as if he would have the Jury to believe that Mr. *Cornish* approved it, and promised to concur in it by saying, *I will do what good I can, or all I can*; though Mr. *Goodenough*'s Evidence does not come up to that, for his Words are, *Tryal*, p. 21. *But says I in the first place the Tower ought to be seized, where the Magazine is, upon this he,*
(Mr.

(Mr. Cornish) made a little Pause, and said, I will do what I can. And Page 22 Goodenough varies his own Words, and says he told Mr. Cornish in the first place the Tower is to be seized, and is not positive as to Mr. Cornish's Answer, but says it was, *I will do what good I can, or what I can, to this purpose.*

It deserves our Observation, that in this Point, there is a Contradiction between Rumsey's and Goodenough's Evidence: For Rumsey says, (*Tryal pag. 14.*) That Mr. Trenchard, who was to manage the Business of Taunton, had disappointed them; by which 'tis plain, the Country was not ready; and yet (*pag. 20.*) Mr. Goodenough makes Mr. Cornish to say, I wonder the City is so unready, and the Country is so ready: This Contradiction will appear so much the more plain, when we consider that at my Lord Russel's Tryal (*pag. 40.*) Col. Rumsey swore, That upon his acquainting the Earl of Shaftsbury that Mr. Trenchard had fail'd them, the Earl said, he would be gone, and accordingly did go; which is a plain Proof, that the chief Assistance they expected from the Country, was by Mr. Trenchard's means; and that he having fail'd them, 'tis strange that Mr. Cornish should still say, the Country was more ready than the City.

The L. Chief Justice's Malice against Mr. Cornish appears further by this, That tho' it was clearly prov'd before him, that Mr. Cornish had

an utter Aversion to employ Mr. *Goodenough* as his *Under-Sheriff*, yet he still insists upon it, (*Trial*, p. 44.) as a Proof of Mr. *Cornish's* Guilt, that *Goodenough* was his *Under-Sheriff*; and says, *How well he serv'd him, and to what purposes, I believe, many of you very well know*: which was the part of an Evidence and an Accuser, and not of a Judge.

In the same place, he again insists upon the Credibility of *Rumsey's* and *Goodenough's* Evidence, without taking any notice of what Mr. *Cornish's* Evidence had said, or what had been said by himself, to invalidate their Testimony.

It is also observable, That the concluding Stroke against Mr. *Cornish* by the Lord Chief-Justice, is a Charge of his want of Sincerity, in conforming to the Church, and an Insinuation, that Mr. *Cornish* being Conscious of his Guilt, conform'd to purge himself that way, and to gain a good Opinion of his Loyalty to the Government: so that instead of acting the part of a Just and Impartial Judge upon Earth, he usurp'd the incommunicable Property of the Judge of all the Earth, who alone is capable to judge of Mens Thoughts. (*Trial*, p. 45).

The malice of the Bench against the Prisoner appear'd further in this, that they were very averse to Mr. *Shepherd's* being call'd, to confront Col. *Rumsey*; and when he was admitted as Evidence for Mr. *Cornish*, they did all that was possible to possess the Jury with an
Opi-

Opinion that Mr. *Shepherd* had been dealt with by Mr. *Cornish's* Relations, to swear in direct opposition to the Collonel's Evidence; and tho' no such management appear'd, yet contrary to all Sense and Reason, they would needs have it, that Mr. *Shepherd's* Evidence confirm'd that of Col. *Rumsey*, tho' the contrary was plain, as has been observ'd before. (*Trial, from p. 50. to 59.*)

Mr. *Solicitor-General* endeavours to possess the *Jury* with an Opinion, that Mr. *Shepherd* declin'd being an Evinence for the King in this Cause, but was a very willing, (or as Mr. Justice *Withkins* express'd it, *Trial, p. 58.*) a very forward Evidence for Mr. *Cornish*.

Mr. *Solicitor*, at the Close of the *Trial*, in order to incense the *Jury*, did likewise charge him falsely, as if he had deny'd his being at Mr. *Shepherd's* House; pag. 59. whereas it is plain by *Trial, p. 17.* that Mr. *Cornish* did not deny his being there; but that he did not remember his being there with my Lord *Russel*; and pag. 19. that he was never there at any Consult: The *Solicitor's* unfair Dealing appears further by this, That he charges Mr. *Shepherd* with seeming to forget (*Trial, pag. 60.*) some part of the Evidence, the Reading, the Declaration, and Holding the Candle; whereas it appears, from what has been said already, that Mr. *Shepherd* was so far from forgetting it, that he swore positively in direct opposition to Mr. *Rumsey*, upon those two Heads, as Mr. *Rumsey* had formerly

merly done himself at the Lord *Russel's* Tryal.

Mr. *Recorder*, at the Conclusion of the Tryal, happens unluckily to tell the true Cause of Mr. *Cornish's* Persecution; viz. That he and others did invade the Government, by packing of Juries, which, as we have heard before, was only his Care to return honest Juries, in order to prevent the cutting off the best Protestants and Patriots of the Nation by a Shadow of Law; and the Solicitors Passion transported him so far as to make him break out into down right Nonsense, and charge Mr. *Cornish* with looking pleasantly, because he had had no Favour shown him. Page 61. And he runs into the same false Charge with Mr. *Solicitor*, that Mr. *Shepherd* had prov'd many things which Mr. *Cornish* had solemnly deny'd.

There are other Remarks which may be made on the whole, viz. that it cannot but choke reason to think that Mr. *Cornish* should trust Mr. *Goodenough* with his knowledge, or share of a Conspiracy of this Nature, considering how plainly it was proved, that he looked upon Mr. *Goodenough* to be so ill a Man, and exprest it so to others, that he would not trust him with a Hair of his head, and that when he was imposed upon at last by his Fellow-Sheriff Mr. *Bethel*, to admit Mr. *Goodenough* as under Sherriff, yet he would not do it without private Covenants from Mr. *Bethel*.

This

This Remark appears to be so much the better founded; that Mr. *Gosfright* deposed upon Oath, that he believed the Animosity betwixt Mr. *Cornish* and Mr. *Goodenough* to be so great, that they were never reconciled, for *Cornish* had so bespattered *Goodenough*, as an ill man, that he believed *Goodenough* could never digest it well; this makes it highly improbable, that ever Mr. *Cornish* could be so weak, as to trust a Man whom he had so much provoked, and whom he believed to be an ill Man, with a Secret of this nature, and that there was no great familiarity betwixt them, is plain enough from Mr. *Cornish*'s telling him in the face of the Court, that he was not conversant in his House, and never in it but three times as he believed, which Mr. *Goodenough* did not deny, but rather seems to own, and very fairly tells him, *Tryal* p. 23. that he came to him about the business of the Riot, and never mentions his being with him afterwards, but only that Mr. *Cornish* met him upon the Change, and asked him how things went, to which Mr. *Goodenough* (*Tryal*. p. 22.) gave no other Answer but *Well*

And says the reason why he gave him that general Answer was, because the Exchange was not a place to talk in, nor indeed can we suppose Mr. *Cornish* to be so weak as to talk of a Plot upon the Exchange, had he really been in one.

It appears also by (*Tryal p. 24.*) that *Mr. Cornish's* Discourse with *Goodenough* on the Exchange related to the Suit about the Riot, and the Bench was so sensible of the probability of what *Mr. Cornish* said to *Goodenough* upon that Head, that *Mr. Justice Withins* would needs bring in the Suit about the Riot by head and Shoulders, as a Branch of the Plot. And it is evident from *Goodenough's* own Words (*Tryal. p. 20.*) that when he pretended to talk with *Mr. Cornish* about seizing the Tower, that that Design was not then agreed upon by *Goodenough* and the rest of his Accomplices, so that *Mr. Cornish* could not be guilty of a Plot, that by *Goodenough's* own Confession was not then agreed upon; and indeed the only fair thing which the Lord Chief Justice seems to have said during the Tryal, is that in summing up the Evidence. *p. 43.* He says, that what *Mr. Cornish* said to *Mr. Goodenough* upon the Change, is not so expressly to be apply'd to the point in the Indictment, which Confession by my Lord Chief Justice, reduces all the stress of *Mr. Goodenough's* Evidence, to what he pretended to have pass'd between him and the Alderman, in his own House, and how improbable that is we have already heard.

Then as to *Rumsey*, it is evident from the Lord *Ruffels* Tryal, *p. 28.* where *Rumsey* gives an account of the Persons my Lord *Shaftsbury* told him were to meet at *Mr. Shepherd's* House,

House, that *Mr. Cornish* was neither named by my Lord, nor the Collonel, and by *Rumsey's* own Evidence appears, that the pretended Plot was then laid aside, for then he swears positively that the Persons met at *Mr. Shepherds*, gave him this Answer to return to my Lord *Shaftsbury*, that *Mr. Trenchard* had failed them, and there would be no more done in the matter at that time. *Mr. Ferguson* he says, did speak most part of the Answer, and he thinks my Lord *Gray* said something to the said purpose.

Now how this is reconcilable with common Sense, that *Mr. Cornish* should say, he would joyn that poor Interest he had, with a Design that was laid aside or let fall for good and all, and upon the falling of which, my Lord *Shaftsbury*, as *Rumsey* says himself, left the Country, let any man judge. The inconsistency of this will appear so much the more plain, if we consider, that tho *Mr. Rumsey* and *Mr. Cornish* were fourteen Years Acquaintants, yet *Mr. Rumsey* owns himself he never heard him speak any thing about it before that time. *Tryal. p. 18. 19.* Nor ought it to pass without a Remark, that the Bench was so sensible of the weight of this Confession by Collonel *Rumsey*, that *Mr. Justice Levins* prevented the Alderman's asking any more Questions, and told him they must not stand to dialogue between one another. *Tryal. p. 19.*

It is likewise worth Observation, that tho' *Rumsey* had confessed what he knew of that pretended Conspiracy to the King, and had obtain'd His Majesty's Pardon for it, that yet during the Life of that Prince, and after *Rumsey's* discovery of the Conspiracy, Mr. *Cornish* shou'd never be call'd in question, but on the contrary accepted by his said Majesty as Sheriff, and be afterwards made Alderman of *London*. Mr. *Rumsey's* Apology for this, that he conceal'd Mr. *Cornish's* Concern in the Plot meerly out of Compassion to him, will scarcely go down with Thinking Men, when they consider that he was Evidence against the Lord *Russel*, who, as he well deserv'd it, had the Compassion of the whole Nation, except those of the Popish and Arbitrary Faction, and was much more capable of rewarding Collonel *Rumsey* for such an act of Compassion than Alderman *Cornish*; so that the natural Reflection to be made upon this is, that the Court having once engaged *Rumsey* in the Drudgery of Swearing, they found him a proper Tool to swear against whom they wou'd when they saw occasion, and therefore kept him in reserve for that very end.

To set this Matter yet in a clearer Light, we shall give part of some Informations taken upon Oath before a Committee of the House of Lords, appointed to inspect who were the Advisers and Prosecutors of the Lord *Russel*, Collonel *Sidney*, Sir *Thomas Armstrong*, Mr. *Cornish*,

Cornish, and others ; and who were Advisers of issuing *Quo Warranto's* against Corporations ; and who were Asserters of the Dispensing Power ; whereof a Report was made by the Earl of *Stamford* the 20th of *December* 1689.

Mr. *Normansel* and Mr. *Trotman*, the Secondaries, deposed, That Sir *Benjamin Thorowgood* return'd the Jury upon Alderman *Cornish* ; and Mr. *Trotman* added, that *Graham* and *Burton* were the Prosecutors of that Alderman.

Sir *Benjamin Thorowgood* being examin'd, said that he was Sheriff at the time when Mr. *Cornish* suffer'd ; that the two Secondaries brought him the Books ; that he knows not out of how many Wards the Jury was returned, but he thinks out of most of them, and he believes it to be the Custom to return the Juries so.

'Tis fit to observe here, that the Secondaries who knew it better, swore the direct contrary, viz. that Juries had usually been return'd by the Secondaries, and taken out of two, three, or four Wards.

Mr. *Henry Cornish* being examin'd, depos'd, That his Father was kept close from his Commitment to the day of his Tryal, and Captain *Richardson* wou'd admit none of his Friends to come to him.

That he went to Mr. *Normansel* the Secondary for a Copy of the Pannel, and either he or his Clerk told him, that *Burton* and *Graham* had

had it; and when he came again to them in the Evening for it, one of them told him they had Orders from above not to let him have it.

We shall in the next place give the Names of the Grand Jury at the Sessions, the 14th of *October* 1685, when the Conspirators had resolv'd to murder Alderman *Cornish* and Mrs. *Gaunt*.

Percival Gilborne.

Bart. Ferriman.

Tho. Blackmore.

Tho. Simmonds.

William Watton.

Tho. Barnesly.

John Green.

Tho. Amy.

Joseph Bags.

John Reynolds.

Robert Blackmore.

Joseph Caien.

William Withers Junior.

Tho. Deacon.

Richard Brown.

Tho. Mills.

John Bernard.

William Fownes.

John Luker.

The Pannel of Jurors for the Tryal of Alderman *Cornish*, in *October* 1685, out of most of the Wards of the City, by the Care of Sir *Benjamin Thorowgood*.

Sir *William Ruffel*

Sir *Mich. Hicks*

Sir *John Matthews*

Sir *William Dodson*

Sir *Tho. Griffith*

Sir *Edmund Wiseman*

Sir *John Clark*

Sir *Tho. Vernon*

Sir *Edward Boveree*

Richard Alie Esq;

Ralph Box Esq;

Tho. Hartopp Esq;

<i>Tho. Fowle</i>	<i>James Woods</i>
<i>Arthur Baron</i>	<i>Thomas Pendleton</i>
<i>Benjamin Skutt</i>	<i>Samuel Hinton</i>
<i>Thomas Rawlinson</i>	<i>Nicholas Smith</i>
<i>John Shorte Senior</i>	<i>James Smith</i>
<i>Tho. Goddard</i>	<i>Tho. Peircehouse</i>
<i>William Gore</i>	<i>John Grice</i>
<i>John Kent</i>	<i>Thomas Oneby</i>
<i>Edward Griffith Esq;</i>	<i>Richard Cotton</i>
<i>William Withers Sen.</i>	<i>Richard Hoare</i>
<i>John Midgly</i>	<i>Roger Reeves</i>
<i>John Carpenter</i>	<i>William Crouch</i>
<i>Francis Chamberlain</i>	<i>John Foster</i>
<i>Peter Joy</i>	<i>Tho. Sergeant</i>
<i>Thomas Langham</i>	<i>James Richardson</i>
<i>George Torriano</i>	<i>William Cloudsly</i>
<i>Aenry Loads</i>	<i>Richard Holford</i>
<i>Robert Beddingfield</i>	<i>Tho. Crane</i>
<i>Ambrose Istead</i>	<i>Lewis Wilson</i>
<i>William Butler</i>	<i>Henry Wood</i>
<i>Kenelm Smith</i>	<i>William Tigh</i>
<i>Ralph Lee</i>	<i>John Pelling</i>
<i>William Moyer</i>	<i>Gervis Wilcox</i>
<i>Robert Scot</i>	<i>Jacob Sheldracke</i>
<i>William Warn</i>	<i>George Peck</i>
<i>Thomas Shorte</i>	<i>Francis Breerewood</i>
<i>Fermingham Chaplin</i>	<i>William Longmore</i>
<i>John Jenew</i>	<i>John Price</i>
<i>James Pickering</i>	<i>William Fitzacherly</i>
<i>James Smith.</i>	<i>William Fashion</i>
<i>Thomas Lofeild</i>	<i>Walter Acton</i>

Stephen

Stephen Coleman	<i>John Perrot</i>
Robert Clavel	<i>Tho. Ashby</i>
William Long	<i>Samuel Skinner</i>
<i>John Wells</i>	<i>William Rouse</i>
<i>Maurice Mosely</i>	<i>Noel Basano</i>
<i>John Pott</i>	<i>Paul Sherman</i>
<i>Tho. Lardner</i>	<i>John Walkly</i>
<i>James Keike</i>	<i>William Humfreys</i>

Note, That those whose Names are in a different Character from the rest, were of the Petty Jury ; and that *William Cloudsly* of *Fishstreet*, one of them, as it was then generally and credibly reported, was kill'd about three years after by the fall of a piece of Wood, call'd the *Cornish of a House*, upon blowing up some Houses at a Fire at *Paul's Wharf*; and *Ambrose Isted*, another of 'em, has since that time shot himself.

Mr. Cornish, upon the fourth day after his Tryal, being the 23^d. of *October*, was executed in *Cheapside*, and his Head fix'd upon *Guild-Hall*, to terrify all Citizens from asserting their Rights.

It was remarkab'e, that tho' the Day was clear when the Alderman was turn'd off, soon after the Sky was cover'd with Clouds; and tho' unusual at that Season of the Year, there was a dreadful Tempest of Thunder and Lightning, which did much damage: This was look'd upon by all but the Faction, to be a Declaration of the Anger of God against the barbarous murder, under shadow of Law, of

such a good Christian, excellent Magistrate, and Noble Patriot.

Having made frequent mention of the pretended *Guild Hall* Riot, when the Citizens came there on the 24 of *June* 1682, to elect their *Sheriffs*; it is proper here to give some Account of it, because it laid the Foundation of the deplorable Fate of Alderman *Cornish*.

The Conspirators being delivered from the danger of *Parliaments*, which were become the subject of the Court's abhorrence; there was nothing wanting to further their Designs, but to have *Juries*, as well as they had *Judges*, at their own Nomination and Devotion. To this end it was necessary to have *Sheriffs* for their Purpose: In order to this, they prevail'd with Sir *John More*, then *Lord Mayor*, to insist on a pretended Prerogative to elect one of the *Sheriffs*, and accordingly they pitched upon *Mr. North*, Brother to the *Lord Chief-Justice* of that Name, who readily accepted the Office; and before the Day of Election was come, a thing never known before, he seals a Bond to the Court of Aldermen to hold *Sheriff*, and accordingly it was put in the *Gazette*; that the *Lord Mayor* had elected him.

When Midsummer-day came, the *Mayor* insisted to have *Mr. North* admitted: one of the *Sheriffs* and the Faction put up *Mr. Box* to be joyn'd with him, but the Citizens withstood this Usurpation, and proceeded to elect others, accord-

according to their undoubted Right; and the majority upon view was declared for Mr. *Papillon* and Mr. *Dubois*, two Persons of great Worth. Upon this, the Conspirators demanded a Poll, in order to gain time, for preventing this Election: The Poll was granted, and the Votes appearing two to one against the Conspirators, the *Lord Mayor* came with a Rabble in a tumultuous manner, to interrupt the Poll, and adjourn the Court. The then *Sheriffs*, Mr. *Pilkington* and Mr. *Shute*, knowing the management of the Election to belong to them, they continued the Poll for some time longer, notwithstanding the *Lord Mayor's* Adjournment, and then adjourned it themselves to the *Tuesday* following.

This the Conspirators called a Riot, and by Order of Council, the *Sheriffs* were sent to the *Tower*; from whence they were delivered by *Habeas Corpus*, and persisting to assert their own and the Citizens Right, they declared Mr. *Papillon* and Mr. *Du bois* to be Elected.

Then a new Poll was propos'd and consented to, by which it appear'd that Mr. *North* had only 170 Voices, Mr. *Box* had 1353, and Mr. *Papillon* and Mr. *Du-bois* upwards of 2700. Upon which they were a second time declar'd *Sheriffs*.

Upon this several Eminent Citizens attended the *Lord Mayor* and *Aldermen*, and demanded in their own Name, and on behalf of the rest of the Citizens, that Mr. *Papillon* and Mr.

Du-bois should be summoned by Proclamation, to appear and seal Bonds, according to Custom, to hold the Office of *Sheriffs*; and at the same time they entered a *Caveat* against admitting *Mr. North* and *Mr. Box*.

But the *Lord Mayor*, by Advice of the Court, declared *Mr. North* and *Mr. Box* *Sheriffs*, and so committed a *Rape* upon the Right of the Citizens to elect them, but *Mr. Box* declined it; whereupon a *Common-Hall* was called, and *Mr. Rich* was pitch'd on, tho' there was ten to one against him; the *Common Serjeant*, who was one of the Conspirators, reported to the *Lord Mayor*, that *Mr. Rich* was Elected; and then he was declared *Mr. North's* Partner.

Upon the Day for Swearing the new *Sheriffs* a great Body of Citizens went to *Guildhall* to present *Mr. Papillon* and *Mr. Dubois*, but were kept out by Soldiers, who stood in their Arms in the Hall; and thus *North* and *Rich* were made *Sheriffs* by Military Force.

The *Sheriffs* being thus settled, and the Court by that means being assured of *Juries* for their purpose, they vigorously prosecuted the *Quo Warranto* against the City Charter, and an Information against the Citizens, who stood for their Rights, guilty of a Riot. To this end *Mr. Sanders*, who was Council against the City upon the *Quo Warranto*, and the Adviser to all those irregular Proceedings, was made Lord Chief Justice, and told by the
Lord-

Lord-Keeper that the Temper of the present Age required his Severity in Cases of Sedition, which he said was grown to that height that it was ready to break out into open Force.

Things being thus prepared, on the 8th of May 1683 the Riot was brought to a Trial at *Guildhall* before the new Lord Chief Justice, upon an Information to this Effect.

That on the 24th of June, 1682, a Common-Hall was summoned for electing Sheriffs, and that the Lord-Mayor in a lawful manner adjourned the Court to the Tuesday following, and made Proclamation for all Persons to depart, but the Defendants intending to disturb the King's Peace did unlawfully meet together, and riotously assault the Lord-Mayor, and that after the Adjournment Mr. *Pilkington* and Mr. *Shute*, by colour of their Office as Sheriffs, and the rest of the Defendants, continued the Poll, and affirmed to the People that Sir *John More* had no Power to adjourn them, and that they continued this great Tumult three Hours, to the Terror of the King's Subjects, and against the Peace.

The Prosecution of this Information was manag'd by

The King's Attorney-Gen. And defended by

Sollicitor-General,

Mr. *Wallap*,

Sir *George Jefferies*,

Sir *Francis Winnington*,

Mr. *Dalben*,

Mr. *Williams*,

Mr. *Jones*,

Mr. *Thompson*,

Mr.

*Mr. Molloy,**Mr. Holt, now Lord
Chief Justice,**Mr. Sommers, now
Lord Sommers,**Mr. Freke.*

Mr. Sommers and *Mr. Thompson* upon calling the Jury offered a Challenge of the Array, and press'd to have it read, upon which *Sir George Jeffries* call'd it a Tale of a Tub, but *Mr. Thompson* persisted, urging that Sheriff *North* was interested in the Matter, and if *Sir John More* had not Authority to adjourn the Poll *Mr. North* was not duly chosen Sheriff, and therefore ought not to return a Jury, since his very Title to the Office was in question. This Point was further press'd by the rest of the Council for the Defendants, but it was over-rul'd by the Lord Chief Justice. Then *Mr. Thompson* pray'd the Benefit of a Bill of Exception, which was also over rul'd, and the Jury return'd, by those illegal Sheriffs; and the true Rioters were,

Sir Benjamin Newland,
Sir John Mathews,
Sir John Buckworth,
Sir Thomas Griffith,
Sir Edmund Wiseman,
Percival Gilburn,

Henry Wagstaffe,
Barthol. Ferryman,
Thomas Blackmore,
Samuel Newton,
William Watton,
George Villars.

Then

Then they proceeded to the Tryal, where in the Managers of the Information behav'd themselves like true Court Tools, and they had Evidence at hand to Swear, that such words were said against the Government, as none of all the Numerous Multitude but themselves did hear, and that such things pass'd as no body else but themselves did see, and to be sure Alderman *Cornish* was not forgot, for one : *Higgins* Swore against him, that he heard him say to the Sheriffs that were doing right, and should have all right done them. Many ridiculous things were alledg'd by the Evidence for the King, which carried their own Confutation along with them, and tho it did not appear that any of the Defendants had been guilty of the least disorder, and notwithstanding all that their Council could urge on their behalfs in point of Law, and how the single Question was, whether the Sherriffs did more than their Office, as it was prov'd they did not by several unexceptionable Presidents, yet the corrupt Bench and the pack'd Jury, being resolved to find them guilty, the Defendants was fined as follows : Mr. *Pilkington*, then a Prisoner upon Execution for 100000 Pound, given by a *Hartford shire* Jury, for words about the Duke of York, in 500 Pound.

Mr.

	<i>Marks.</i>
Mr. <i>Shute.</i>	1000
Lord <i>Gray.</i>	1000
Alderman <i>Cornish.</i>	1000
Sir <i>Thomas Player.</i>	500
Mr. <i>Bethel.</i>	1000
Mr. <i>Jenks.</i>	300
Mr. <i>Deagle.</i>	400
Mr. <i>Freeman.</i>	300
Mr. <i>Key.</i>	100
Mr. <i>Wickham.</i>	100
Mr. <i>Swinnock.</i>	500
Mr. <i>Jekil.</i>	200
Mr. <i>Goodenough.</i>	500

It was observable, that the Witnesses for Sir *John More*, were the most splenetick, violent, and imbittered Tories in the whole City, and that upon the Tryal it did not appear which Party it was that made the Noise and Tumult complained of, but the Court was resolved that the above mentioned Persons should pay for all.

We must also take notice, that when the day for Swearing the Sheriffs as before mention'd was come, the Aldermen were Summon'd to *Guild-Hall* by the Lord-Mayor; yet six of them when they came, viz. Sir *John Laurence*, Sir. *Robert Clayton*, Sir *Patience Ward*, Sir *Thomas Goad*, Sir *John Shorter*, and Alderman *Cornish*, were turned out by Military Force; and Col. *Quiney* who Commanded the Soldiers

Soldiers in the Hall, when they told him they were Magistrates and Summoned to be there, said to them he knew them, and that they must withdraw, he was Commanded to require it. When they demanded his Warrant, he told them he would shew none to such Persons as they were, and then put violent hands to them, so that they were obliged to retire; and in this he was assisted by Mr. *Withers*, Mr. *Wiseman*, *Nicholas Steverton*, &c. And in like manner Mr. *Papillon*, and Mr. *Dubois* were ordered to withdraw and keep the Peace and be gone. Upon which they withdrew, and with the six Aldermen above mentioned protested against those Irregular Proceedings.

The Persons who order'd Collonel *Quiney*, and the Forces, to keep those Aldermen out of the Hall, were,

Sir <i>John Moore</i>	Lt. Col. <i>Stephenton</i>
Sir <i>George Waterman</i>	<i>Thomas Cowden</i>
Sir <i>James Edwards</i>	<i>Ed. Beaker</i>
Sir <i>William Pritchard</i>	<i>John Wallis</i>
Sir <i>Henry Tulse</i>	<i>John Nichols</i>
Sir <i>James Smith</i>	<i>William Parker</i>
Sir <i>John Peak</i>	<i>Henry Loads</i>
Sir <i>John Chapman</i>	<i>Peter Aylworth</i>
Sir <i>Simon Lowis</i>	<i>John Short</i>
Sir <i>John Mathies</i>	<i>Richard Aily</i>
Sir <i>Benjamin Newland</i>	<i>Ben. Skutto</i>
Sir <i>William Dadson</i>	<i>Humphrey Stroud</i>
Sir <i>John Backworth</i>	<i>William Carpenter</i>

Because

Because we are willing to join with the Publishers of Mr. *Cornish's* Tryal, to set Men and Things in a clear light, we shall subjoin an Account of some more of those honest Juriers that the Citizens may know which of them are proper to be chosen Parliament-Men upon Occasion. And first,

The Grand Jury return'd upon my Lord Russell

<i>Richard Alie Esq;</i>	<i>John Debnam</i>
<i>Peter Parivicini</i>	<i>Percival Gilborn</i>
<i>Ben. Skutt</i>	<i>Henry Wood</i>
<i>Philip Herman</i>	<i>John Cooper</i>
<i>Ben. Thorowgood</i>	<i>Samuel Newton</i>
<i>William Longmore</i>	<i>Henry Wagstaffe</i>
<i>John Price</i>	<i>Thomas Blackmore</i>
<i>Francis Brerwood</i>	<i>Thomas Larner</i>
<i>William Withers Senior</i>	<i>John Potts</i>
<i>William Lovel</i>	

All these were sworn.

Others return'd and not sworn were,

<i>Leonard Bates</i>	<i>Spencer Johnson</i>
<i>John Femil</i>	<i>James Kelke</i>
<i>Bart. Ferriman</i>	

The Jurors pick'd for my Lords Tryal were,

John Martin
William Rouse
Fervas Seaton
William Fashions
Thomas Short
George Torriano

William Butler
James Pickering
Thomas Jevé
Hugh Noden
Robert Brough
Tho. Oneby

This Jury was pick'd out of 18 or 19 Wards
by the Sheriffs *Rich* and *North*, who were put
into their Office by Military force.

Collonel *Sidney's* Jury were,

<i>John Auger Carpenter</i>	<i>Josiah Clark</i>
<i>Richard White</i>	<i>George Glisby</i>
<i>William Lin</i>	<i>Nic. Baxter Horse rider</i>
<i>Lawrence Wood</i>	<i>William Reeves</i>
<i>Adam Andrews</i>	<i>Will. Grove Cheesemonger</i>
<i>Emery Arguise</i>	<i>John Burt</i>

F I N I S.

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